

REMARKS

In an Office Action dated October 16, 2008, the Examiner rejected all base claims under Sec. 101 for claiming non-statutory subject matter. Specifically, claims 3,6,8,11,12 and 20 were rejected due to the inclusion of the human body as one of the elements of the invention. Further, claims 3, 6, 8, and 12 were rejected under Sec. 112 due to indefinitiveness.

The Examiner suggested that “adapted to” language be added to the claims. The Applicant gratefully acknowledges the Examiner’s suggestion.

In light of the foregoing, applicant submits that the present amendments are designed to overcome the Examiner’s objections. As Figure 2a shows, the present invention does not *require* the human body to be present. The invention could be used to immobilize any object in the same shape as that of the usual human body, such as a deteriorating statue, or a damaged mannequin.

Amendments to the claims clarify that the various components of the present invention are adapted to conform with the shape of the human body, and not that the human body is a part of the present invention.

Support for the “adapted to” limitations introduced in the current claims is found in the specification, such as in paragraph 70 of the published application where it is discussed that the substrate includes a “curved lower border 82 adapted to rest comfortably on the patient's chest.” The “adapted to” language now inserted into the claims is found throughout the specification, such as in the Abstract, Paragraphs 14, 32, 33, 35, and others.

Therefore, applicant respectfully submits that the present amendments clarify that the human body is not a part of the invention and overcome the examiner’s concerns over non-statutory subject matter. Additionally, the amendments further clarify the scope of the claims so as to overcome the definitiveness objections.

While no fee is believed due with this submission, the Commissioner is authorized to charge any necessary fees to the undersigned’s Deposit Account No. 501709.

An earnest attempt has been made hereby to address the October 16, 2008 Official Action. All claims are deemed in condition for allowance and same is respectfully requested. If the Examiner feels that a telephonic interview will expedite allowance, she is respectfully urged to contact the undersigned. Claims 3-18, and 20-22 are pending. Applicant requests reconsideration of all of the aforementioned claims.

Respectfully submitted,
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/Szymon M. Gurda/

By:_____

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